THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.13401 of 2007

Date:28.06.2007

Between:

M/s.Defence Personnel Coop House Building Society Limited.

.. PETITIONER

AND

The Government of A.P. and others.

..RESPONDENTS

ORDER:

The petitioner seeks a writ of certiorari to quash the sale deed, dated 29.03.2001, in relation to an extent of Ac.3.17 guntas of land in Sy.No.1255 of Shamirpet, Ranga Reddy District.

The petitioner states that Sri Akula Bakkaiah was the owner of Acs.9.00 of land, in Sy.Nos.1255 and 1256 of Shamirpet Village, Ranga Reddy District and he sold the entire land to the third respondent, through a sale deed, dated 17.10.1989, registered as document No.7787/1989. The petitioner-society, in turn, is said to have purchased Acs.3.00 of land, in Sy.No.1255 from the third respondent, through a sale deed, dated 20.12.1990, registered as document No.11126/1990. It is alleged that the third respondent executed a sale deed in favour of the second respondent on 29.03.2001, in respect of Ac.3.17 guntas of land in Sy.No.1255 and that on the strength of this sale deed, the second respondent is trying to invade the rights of the members of the petitioner-society. The petitioner alleges that the second respondent brought into existence a fabricated sale deed, dated 29.03.2001.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Even assuming that the facts stated by the petitioner in the affidavit are true, this Court cannot entertain the writ petition and grant the relief claimed in it. In case the petitioner is apprehending any threat from the second respondent, it has to file a suit for injunction. On the other hand, if a necessity exists as to the declaration of the rights of the parties vis-à-vis the land, the suit for declaration has to be filed. This Court cannot adjudicate upon the validity or otherwise of a sale deed or the entitlement of the parties there to.

Hence, the writ petition is dismissed, leaving it open to the petitioner to work out its remedies in a civil Court. There shall be no order as to costs.

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26.06.2007

kdl